



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

June 13, 1996

Mr. Alberto R. Gonzales
General Counsel
Office of the Governor
P.O. Box 12428
Austin, Texas 78711

OR96-943

Dear Mr. Gonzales:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 40373.

The Office of the Governor received a request for the names, addresses, and telephone numbers of the former administrative staff of Governor Ann Richards. You have released some of the requested information to the requestor, but you believe that the remainder of the information may be excepted from disclosure under section 552.117 of the Government Code.

Section 552.117 excepts from disclosure:

information that relates to the home address, home telephone number, or social security number, or that reveals whether the following person has family members:

(1) a current or former official or employee of a governmental body, except as otherwise provided by Section 552.024; or

(2) a peace officer as defined by Article 2.12, Code of Criminal Procedure, or a security officer commissioned under Section 51.212, Education Code.

A governmental body may withhold this information for current or former officials or employees only if they made a request for confidentiality under section 552.024 before the request for information was received.¹

You explain that your database does not contain the information that you need in order to determine whether former employees requested that their home addresses and telephone numbers be kept confidential. You therefore request a "decision as to whether the home addresses and home phone numbers for former employees who *may have* requested that the information be withheld are excepted from disclosure." The Open Records Act does not authorize a governmental body to withhold personal information for employees who may have requested confidentiality pursuant to sections 552.117 and 552.024. Section 552.024(b) requires that employees make this election in a signed writing. Thus, we must conclude that you may withhold from public disclosure only the home addresses and telephone numbers of those former and current employees who did in fact request confidentiality in accordance with section 552.024 prior to the date on which you received the request for information.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Karen E. Hattaway
Assistant Attorney General
Open Records Division

KEH/ch

Ref.: ID# 40373

Enclosures: Submitted documents

cc: Ms. Sandra Castellanos
Castellanos Group
8901 Bluff Springs Road
Austin, Texas 78744
(w/o enclosures)

¹Whether a particular piece of information is public must be determined at the time the request for it is made. Open Records Decision No. 530 (1989) at 5.